

Revised

DIRECT TESTIMONY

OF

ALCINDA JACKSON

CONSUMER SERVICES DIVISION

ILLINOIS COMMERCE COMMISSION

DOCKET NO. 01-0485
REHEARING OF 83 ILLINOIS ADMINISTRATIVE
CODE 732

March 8, 2002

OFFICIAL FILE

ILL. C. C. DOCKET NO. 01-0485

ICC Staff

2.0 Rev.

VERIFIED BY _____

Date 3/19/02 Reported CB

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Introduction and Purpose of Testimony

Q. Please state your name and business address.

A. My name is Alcinda Jackson, and my business address is 527 East Capitol Avenue, Springfield, Illinois 62701.

Q. What is your occupation?

A. I am a Consumer Policy Analyst in the Consumer Services Division ("CSD") of the Illinois Commerce Commission ("Commission").

Q. What are your present responsibilities in the Consumer Services Division?

A. I am the telecommunications witness for the Consumer Services Division, representing the interests of Illinois consumers. I have testified on behalf of consumer interests in the SBC/Ameritech merger, Bell/Atlantic merger, Global Crossings/Frontier merger, Gallatin River purchase of Centel, and several other dockets where independent telephone companies or assets were purchased. I have participated in over 300 competitive local certification dockets, which participation includes reviewing applications and testimony from companies requesting certification to provide local exchange telephone service in Illinois. Specifically, I participate in the hearing process to ensure the applicant's compliance with Illinois statutes, and Commission rules and regulations. Additionally, I have participated in over 60 dockets that established Eligible Telecommunications Carriers status for local exchange companies.

I was also appointed Staff Liaison by the Executive Director under Section 755.400 of 83 Illinois Administrative Code Part 755 on August 1, 1993, to the Illinois Telecommunications Access Program ("ITAP"). In that capacity, I oversee activities of the ITAP to ensure that the carriers meet all requirements for the Text Telephone ("TT") distribution and Telecommunications Relay Service ("TRS") programs as required in Section 13-703 of the Public Utilities Act ("PUA"). In addition, I was appointed Staff Liaison by the Executive Director pursuant to Section 757.300 of 83 Illinois Administrative Code Part 757 on February 13, 1996 to the Universal Telephone Assistance Program ("UTAP"). As Staff Liaison, I oversee the activities of the UTAP to ensure that carriers meet all requirements of the Lifeline Program, Link Up Program and the Universal Telephone Service Assistance Program ("UTSAP") as required in Section 13-301 and 13-301.1 of the PUA.

Q. Please describe your occupational experience.

A. I began my employment with the Commission in September 1974, and I have worked in various Divisions within the Commission, including the Consumer Services Division ("CSD"). Prior to my position as Staff Liaison, I was the 9-1-1 Program Assistant. Some of my duties included: reviewing 9-1-1 applications to ensure compliance with the Commission's rules and the statute were adhered to, making presentations, and reviewing filings.

Q. Have you testified before the Commission in other dockets?

A. Yes. I have provided testimony in I.C.C. Docket 99-0442 and 99-0443 (ITAC relay proposal and contract); Docket No. 98-0555 (SBC/Ameritech merger);

95 Docket No. 98-0866 (GTE/Bell Atlantic merger); Docket No. 99-0237 (Global
96 Crossing/Frontier merger) I.C.C. Docket 98-0321 (Gallatin River purchase of
97 Centel); Docket No. 96-0503 (GTE wholesale); Docket No. 99-0544 (ATS
98 Services, Inc., CLEC certification); Docket No. 00-0043 (CUB vs. Ameritech
99 marketing practices); Docket No. 98-0252/98-0335/00-0764 (Consol.)
100 (Ameritech's Alternative Regulation); 00-0596 Illinois Administrative Code Part
101 730; and several other telecommunications related cases.

102 **Q. What is the purpose of your testimony?**

103 A. The purpose of my testimony is to respond to certain testimony on
104 rehearing of 83 Illinois Administrative Code 732 ("Part 732") including the issues
105 raised in connection with the following sections of Part 732: Issue 3: Section
106 732.20(e), Local Exchange Service Obligations; Issue 4: Section 732.50(b)
107 Customer Education; and Issue 5: Section 732.60, Reporting, Additional Time for
108 Implementation. Staff Witness McClerren will cover the remaining issues.

109 **Issue 3: Part 732.20(e) Local Exchange Service Obligation**

110 **Q. What obligation does Part 732.20(e) place on telecommunications**
111 **carriers?**

112
113 A. Part 732.20(e) states:

114
115 At the time installation, repair or an appointment is
116 requested, inform the customer of its duty to install,
117 repair, and meet appointments with the specific
118 timeframes set forth in this Part, as relevant to the
119 customer's request. Additionally, the
120 telecommunications carrier shall inform the customer
121 at the time a request for installation, repair, and/or an
122 appointment is made, whether or not the
123 telecommunications carrier has the requisite
124 information to complete the request. If the

telecommunications carrier requires additional information or is waiting for the customer to provide information before the installation, repair, and appointment can be completed, the customer shall be informed at the time the request is made that the order is incomplete and what information is needed from the customer to complete the order.

Q. What portion of Section 732.20(e) does McLeod request to be revised? McLeodUSA 1.1 at 3.

A. It is my understanding that McLeod is requesting that the first two sentences of paragraph 732.20(e) be revised as follows:

At the time installation, repair or an appointment is requested, inform the customer of its duty to install, repair, and meet appointments with the specific timeframes set forth in this Part, as relevant to the customer's request. Additionally, the telecommunications carrier shall inform the customer at the time a request for installation, repair, and/or an appointment is made, whether or not the telecommunications carrier has the requisite information to complete the request...

Q. Do the revisions submitted by McLeod conform to the PUA?

A. No. Section 13-712(d)(1) of the PUA requires each telecommunications carrier, "... to inform the customer of its duty to install service within this timeframe..." 220 ILCS 5/13-712(d)(1). Although the statutory requirement that a telecommunications carrier inform its customers of its duty to provide a service within a specific timeframe is made explicit only with respect to the installation of basic local exchange service, Staff nevertheless believes that it is reasonable that customers be equally informed of timeframes that apply to repair

156 appointments as they are for installation appointments under the express terms
157 of the statute. McLeod's proposed language change goes too far because the
158 proposed deletions have removed the statutory requirement to inform the
159 customer of the carriers duty to install within the statutory timeframe.

160
161 **Q. McLeod states that providing customer information about service**
162 **quality standards would necessitate significant revisions to its systems**
163 **and procedures. McLeodUSA 1.0 at 11-14. Do you agree with McLeod's**
164 **assessment?**

165 A. No, not necessarily. The required information could easily be
166 programmed into McLeod's answering system as a brief announcement to be
167 provided to McLeod's customers, prior to a customer service representative
168 answering a call for repair or installation. McLeod is not the only carrier to have
169 the calls of several states coming into one call center. In the instance of calls
170 coming into a call center from multiple states, McLeod could program a function
171 key for customer service representatives to provide this information to Illinois
172 customers or a pop up screen could be designed for customer service
173 representatives to read a brief statement to customers. There are probably other
174 mechanical means or technology short cuts for McLeod to deliver this
175 information to its customers unknown to Staff that also would not create "an
176 additional costly administrative burden on McLeodUSA". McLeodUSA Exhibit 1.0
177 at 11.

178 **Q. Do you believe delivery of this information is as difficult as McLeod**

179 **describes? McLeodUSA 1.0 at 11-14.**

180 A. No. Staff believes that customers should be given accurate, simple, and
181 concise information. Staff does not consider it necessary for a carrier to go into
182 a detailed explanation (stating, for instance, that a telecommunications carrier
183 offering basic local exchange service utilizing the network or network elements of
184 another carrier shall install new lines for basic local exchange service within 3
185 business days after the completion of the provisioning of the line or lines by the
186 carrier whose network or network elements are being utilized) in order to comply
187 with the statute. Staff would be concerned that a lengthy explanation may only
188 confuse most customers. Whereas, if the carrier states that they have up to
189 eight days to install the service, then the customer will understand this
190 explanation, and the statutory and regulatory requirement will be met and the
191 carrier and customer will not be burdened.

192 **Q. Has customer education material been written that would assist**
193 **McLeodUSA and other telecommunications carriers in writing a brief script**
194 **to meet the requirements of Section 732.20(e)?**

195 A. Yes. In response to Section 732.50(c) Staff, with input from the carriers
196 and consumer intervenors, wrote and posted to the Commission's web page a
197 sample bill message, bill insert, and directory information. Excerpts from any of
198 these documents could easily be used for meeting the obligation to inform
199 customers regarding its duty to meet installation, repair, or appointment
200 requirements.

201 **Q. McLeod states that compliance with this requirement is difficult**

202 **because, until certain information about the customer and the customer's**
203 **location are ascertained, McLeod will not necessarily know how the service**
204 **will be provisioned, and consequently, what the appropriate interval would**
205 **be. McLeod 1.0 at 11-14. Do you agree with McLeod's arguments?**

206 A. No. McLeod provisions service three different ways: 1) through McLeod's
207 facilities, which requires installation within 5 days or 2) use of another carrier's
208 facilities, which requires up to 8 days to install service or 3) a combination of
209 McLeod's facilities and another carrier's facilities, with could fall within 5 or up to
210 8 days. A customer that requests a carrier to install service is going to ask two
211 basic questions: 1) How much will it cost? 2) When can you install the service?
212 Staff is not convinced that McLeod cannot tell the customer when they will be
213 providing service at the initial contact. Therefore, Staff questions McLeod's
214 assertion that they would not be able to obtain this information from the customer
215 until later. Customers expect and deserve to know the answer to both questions.
216 In addition, customers have a right to know that they have some recourse
217 against a carrier for failure to provide service within the statutory time frame.
218 Telecommunication service is evolving daily. Carriers need to have capacity and
219 flexibility built into their systems to meet the constant change in
220 telecommunications technology and the corresponding change in regulatory
221 requirements.

222

Issue 4:Part 732.50(b) Customer Education

Q. Ameritech argues that section 732.50(d), as currently written, occupies an excessive proportion of the total bill messages possible per year. Ameritech Illinois Ex. at 8-9. Do you agree with Ameritech's statement?

A. No. Ameritech's arguments are not convincing. Staff is not convinced that out of a possible 84 bill messages per year (7 bill page messages times twelve months) Ameritech believes that it is excessive to provide information to its customers eight times the first year and four times annually for the life of the rule about service quality standards and remedies available to customers. Ameritech's comments are surprising, especially after the service quality problems that Ameritech has experienced in the past. Although in the original proceeding, Staff recommended customer education "at a minimum two times per year"; four times per year is certainly not a burden to the company or consumer. Moreover, Staff's original recommendation certainly contemplated and anticipated that carriers could include bill messages more than two times per year. Staff believes that the service quality bill message serves a purpose and is more beneficial to consumers than many of the bill messages currently provided by the company including the bill messages that the company will use to market customers for more products and services than the customer may need or be able to afford.

244 **Q. Ameritech compares this requirement to other regulatory**
245 **requirements that require annual notification. Ameritech Illinois Ex. 1.0 at**
246 **11. Does Staff agree with Ameritech's analogy?**

247 A. No. The requirements to 83 Ill. Adm. Code Parts 757 and 758 are for the
248 solicitation of voluntary contributions to support two consumer programs, Lifeline
249 and Link-Up and the Digital Divide. It would be inappropriate to solicit
250 contributions more than once per year. Consequently, Ameritech's argument
251 that the service quality bill messages should be provided annually in order to "be
252 consistent with the Commission's treatment of other communications regarding
253 regulatory requirements" is not only misleading, it is not valid. Ameritech Illinois
254 Ex. 1.0 at 11. Considering the nature of the Part 732 disclosures, it would be
255 very appropriate for the carrier to provide to its customers information as to
256 service quality credits and other remedies available to them to the extent the
257 Code Part currently requires, i.e., eight times the first year and four times
258 annually for the life of the rule.

259 **Q. Ameritech believes that an annual notice is sufficient, since**
260 **customer credits are automatic and require no knowledge or action by the**
261 **consumer to receive. Ameritech Illinois Ex. 1.0 at 10-11. Do you agree with**
262 **Ameritech's assessment?**

263 A. No. This is a new statutory program. It is necessary to repeatedly provide
264 information to consumers in order to ensure that they are properly informed of
265 their rights and the carrier's obligations. An annual notice is not sufficient to
266 provide consumers with information that the consumer needs in order to be able

to monitor the application of credits. Moreover, even if carriers are attempting to comply with the statute, some carriers are implementing the credits by a manual process, which process would be subject to error. Some carriers are still working to implement an electronic and/or automatic process and have not yet eliminated the "bugs" from their systems. Through the contacts that Staff has encountered with telecommunications carrier personnel responsible for resolving complaints, Staff has found that the telecommunication carriers' employees are still in the process of being educated about Part 732. CSD has received calls from customers questioning why they did not receive a credit when they were out of service for an extended time or late in getting service installed. Consumers need to be aware of the terms under which they are entitled to customer credits so they can appropriately question when a credit was not applied. Additionally, an annual notice is particularly insufficient for new customers moving into Illinois who also need to be informed about the availability and applicability of credits.

Issue 5: Part 732.60 Reporting

Q. Ameritech recommended that the Commission allow telecommunications carriers more time to develop the necessary software for the reporting requirements. Ameritech Illinois Ex. 1.0 at 17-19. Does Staff object to Ameritech's request?

A. No. Staff does not object to a short delay in the reporting requirement. In an effort to balance the needs of the Commission to obtain the information that the Commission required against the carriers' programming problems, and in the spirit of compromise, Staff would agree to delay the implementation of the

290 reporting requirements to August 1, 2002. Staff, however, in proposing this
291 compromise, also proposes that certain conditions be attached to any delay in
292 implementation of reporting that include the following: 1) carriers provide the
293 Commission with the reports that they are able to provide; 2) as soon as the
294 required software is developed and the carriers are prepared to report the
295 required information, that the carriers commence reporting and not wait until
296 August 1, 2002; 3) August 1, 2002 is the ultimate reporting date for compliance.

297 **Q. Does this complete your direct testimony?**

298 **A.** Yes, it does.

299